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In the High Court of Judicature at Madras

Dated : 12.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34255 of 2024

Ammasi ...Petitioner

Vs

1.The District Registrar,
Namakkal, Namakkal District.

2.The Sub-Registrar,
Velangoundampatti SRO,
Thiruchengodu Taluk,
Namakkal District.

3.Kumar
4.R.Baby Saroja ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the record in refusal check slip in RFL/Velakavundanpatti/106/2024 dated 10.10.2024 on the file of the second respondent, quash the same and direct the second respondent to register the sale deed dated 10.10.2024.

For Petitioner	:	Mr.Rajarajan for Mr.M.Manohar
For R1 & R2	:	Ms.C.Meera Arumugam, AGP

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ORDER

Challenging the check slip issued by the second respondent dated 10.10.2024 refusing to register the sale deed presented by the petitioner and to issue a consequential direction to the second respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader accepting notice for respondents 1 and 2.

3. The case of the petitioner is that he purchased a property at plot No.80, Rainbow City, which is an approved layout, in New Survey No.172/2B1A2 measuring 900 sq.ft. situated at Periyamanali Village, Tiruchengode Taluk, Namakkal District from the fourth respondent, through the third respondent, who is her general power of attorney, for a valid sale consideration. When the sale deed is presented for registration on 10.10.2024, the second respondent issued the impugned refusal check slip even on the same day on the ground that the layout approved was in violation of Rule 36(1-A)(c) of the Tamil Nadu Minor Mineral Concession Rules and was also in violation of Annexure XVIII of the Tamil Nadu Combined Buildings Rules, 2019,

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that within 300 meter radius of the approved layout, four stone quarries were functioning for over 20 years and that therefore, the document presented by the petitioner cannot be registered.

4. The grievance of the petitioner is that the layout has been approved under approval No.24/23 by the Assistant Director of Local Planning Authority, District Town and Country Planning, Namakkal District, that this layout approval has neither been cancelled nor modified and that several registrations had taken place in respect of other plots in the said survey number.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned refusal check slip.

6. The stand taken by the second respondent actually contradicts the fact that despite there being four stone quarries, the layout approval had been granted by the appropriate Authority and it has not been challenged nor modified before a court of law. That apart, the earlier registrations in respect of the properties in this layout have been accepted and registered by the second respondent. Therefore, the stand taken by the second respondent for refusing to register the

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sale deed presented by the petitioner cannot be sustained.

7. In the light of the above, the writ petition is allowed, the impugned refusal check slip is set aside and the second respondent is directed to register the sale deed presented by the petitioner within a period of two weeks from the date of its representation. No costs.

12.12.2024

To
1.The District Registrar,
Namakkal, Namakkal District.

2.The Sub-Registrar,
Velangoundampatti SRO,
Thiruchengodu Taluk,
Namakkal District.

RS

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P.T.ASHA,J

RS

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